



Land Use and Zoning Meeting Minutes

January 22, 2016

STAFF:	Monica Jordan
DATE:	January 22, 2016

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:27 PM.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Bernard, Constantine, Kenyon, Morse, Terriaco, Valentic, Welch, Ms. Diak and Dr. Malec. Staff: David Radachy and Monica Jordan.

Staff introduced new Committee member, Christopher Bernard, who is the Zoning Inspector for Madison Township. Committee members went around the table and gave brief introductions.

Next, Staff asked if there was any Public Comment. Hearing none, staff proceeded with the next item on the Agenda, which was Committee Business. Staff announced that text amendments were submitted by Madison Township, Painesville Township, and Perry Township.

Staff stated that amendments were to be reviewed as groups, organized by Staff Reports, including an overview of each amendment, staff comments, and staff recommendations.

Madison Township

Amendment #1: Revising Section 101, Section 114.3, Section 127.5.3, Section 142.4.5, Section 142.4.5.6.1, Section 142.4.5.7.3.2, and Section 142.4.5.9

Staff provided the following amendment summary:

- Adding definitions for Amusement Park, Club (Not-for-Profit), and Shooting Range. (Section 101)
- Changing Banks/Financial Institutions and Laundromats from Conditional to Permitted in B-1 District. (Section 114.3)
- Changing Recreational Facilities/Clubs from Conditional to Permitted in B-3 District. (Section 114.3)
- Adding Adult Day Care Center as a Permitted Use in the B-1 and B-3 Districts and a Conditional Use in the P-1 and B-2 Districts. (Section 114.3)

- Adding Amusement Parks as a Conditional Use in B-3 District. (Section 114.3)
- Adding Multiple Dwelling Use for Senior Citizen Residents Only as a Conditional Use in the B-2 and B-3 Districts. (Section 114.3)
- Adding Planned Unit Development (PUD) as a Conditional Use in the P-1, B-1, B-2, and B-3 Districts. (Section 114.3)
- Adding parking requirements for Shooting Range. (Section 127.5.3)
- Removing “Hospital or Sanitarium, except a Criminal, Mental, or Animal Hospital” and “Nursing or Convalescent Homes” from list of permitted Conditional Uses in all Districts other than M-1. (Section 142.4.5.6.1)
- Updating language for PUD Site Requirements (Section 142.4.5.7.3.2) and Child Day Care Center (Section 142.4.5.9) to reflect Conditional Use in a B-3 District.
- Adding new Conditional Use Permit sections for Shooting Range (Section 142.4.5.25) and Adult Day Care Center (Section 142.4.5.26), including criteria.

Staff stated that the amendments had the following relevance to the Madison Township Comprehensive Plan:

- Banking/Financial Institutions are shown as being Permitted in the B-1 District.
- Coin-Operated Laundries and Cleaning are shown as being Permitted in the B-1 District.
- Laundry and Garment Services are shown as being neither Conditional nor Permitted in the B-1 District.
- The Comprehensive Plan states: “ED-2-p3: Discourage commercial development that tends to be visually or environmentally disruptive by nature...” Amusement Parks will exhibit such characteristics.

Staff made the following comments on the proposed amendments:

- Banks/Financial Institutions, Laundromats, and Recreational Facilities/Clubs are all being changed from Conditional to Permitted in either B-1 or B-3 Districts. These uses do not include any Specific Requirements under Section 142.4.5 for Conditional Use Permits that would need to be removed.
- Section 142.4.5.26, Adult Day Care Center, states: “An Adult Day Care Center shall be permitted as a Conditional Use in a P-1 Professional, and B-2 Regional Business Districts, for seven (7) or more children...”
- “Hospital or Sanitarium, except a Criminal, Mental, or Animal Hospital” is being removed from the list of Public Facility Areas, which are permitted conditional uses in all districts

other than M-1. It is covered as a conditionally permitted use in Section 142.4.5.14, Hospital, but only in the B-1 District.

- “Nursing or Convalescent Homes” is being removed from the list of Public Facility areas, which are permitted conditional uses in all districts other than M-1. It is covered as a conditionally permitted use in Section 142.4.5.20, Residential Care Facility, Nursing Home, Home for the Aging, or Hospice Care Facility”, but only in the B-1 District.
- Section 142.4.5.7.3.2, PUD Site Requirements, states: “Shall be located only within an R-1, R-2, R-3, R-4, P-1, B-1, or B-2 district”. It is proposed that PUD be added as a Conditional Use in the P-1, B-1, B-2, and B-3 Districts in Section 114.3, but B-3 is not listed as a permitted District in Section 142.4.5.7.3.2.

Staff recommended approval with the following modifications:

- In Section 142.4.5.26, Adult Day Care Center, replace “children” with “adults”.
- If Madison Township does not want to allow amusement parks to be located within the community, which seems to be the situation judging by the Comprehensive Plan, language for this use should not be included in the Resolution. In this case, do not add the definition for Amusement Park and do not add this use as a Conditional Use under Entertainment/Commercial Recreation in a B-3 District. Remove Section 142.4.5.1, which includes the “Conditional Use Permits – Specific Requirements” for Amusement Parks. If the intent is to allow for this use within Madison Township, then the proposed amendments for Amusement Parks are recommended with additional parking requirements.
- As B-3 is not listed as a permitted District for the Conditional Use of PUD in Section 142.4.5.7.3.2, it is recommended that it not be added as a Conditional Use of the B-3 District in Section 114.3. If Madison Township would like to allow PUD as a Conditional Use in the B-3 District, it is recommended that it be added as a permitted District in Section 142.4.5.7.3.2 and Section 114.3 simultaneously. The B-3 District is intended to accommodate commercial uses that may not be suitable for close proximity to residential uses, such as PUD.

Mr. Bernard explained that the definition for Amusement Park was being proposed because language for Amusement Parks as a Conditional Use is preexisting in Section 142.4.5.1. He stated that the option to completely remove language for this use may have been overlooked, as Amusement Parks are not a desired use within the Township.

Mr. Constantine made the motion to recommend staff's recommendations.

Mr. Welch seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted “Aye”.

Motion passed.

Painesville Township

Amendment #1: Revising Sections 22.10 (B) 3 & 4, Section 25.11 (C) and Section 26.09 (C)

Staff stated that the amendment included adding the word “District” between residential and property.

Staff stated that the amendments had no relevance to the Painesville Township Comprehensive Plan.

Staff commented that the term “residential property” could be interpreted to mean residentially used land, which would include legal non-conforming residential uses on commercial or industrial land.

Staff recommended rewriting the section to better protect legal non-conforming residential uses.

Mr. Constantine stated that Painesville Township does not want to protect legal non-conforming properties and that it would like to bring current legal non-conforming residential uses into conformance. He stated that legal non-conforming uses are a burden on the conforming commercial uses within the Township.

The Committee stated that it would likely take decades to achieve the goal of bringing legal non-conforming uses into conformance.

Mr. Constantine stated that the Township “needs to start somewhere”.

Mr. Kenyon made the motion to recommend the staff's recommendations.

Mr. Welch seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted “Aye”.

Motion passed.

Amendment #2: Revising Section 18.12, Section 19.06, Section 20.05, Section 21.06, Section 25.14, and Section 26.12

Staff stated that the amendment included adding accessory building requirements and trash receptacle language from Section 22.10 to the above-reference sections.

Staff stated that the amendments had no relevance to the Painesville Township Comprehensive Plan.

Staff commented that they have no issue with the language, but that Painesville Township may want to consider moving I-1, I-2, and CS to Section 22. In doing so, those sections would adhere to the regulations.

Staff recommended accepting the changes as submitted, and for the Township to consider combining I-1, I-2, and CS into Section 22.

Mr. Terriaco made the motion to recommend staff's recommendations.

Ms. Diak seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

Amendment #3: Revising Section 32.02 (B)

Staff stated that the amendment included striking out the words "Attached Single Family" and "Multi-Family" as Permitted Uses.

Staff stated that the amendments had no relevance to the Painesville Township Comprehensive Plan.

Staff commented that the Detached Single Family term does not take ownership style (fee-simple or condominium) into consideration. You may not need to list as Detached Single Family, fee-simple and Detached Single Family in Condominium Ownership.

Staff commented that attached Single Family and Multi-Family exist in Lake Erie Shores. These uses may become legal non-conforming. One of the developments, Nautical Ridge, has not been completed.

Staff recommended not accepting the changes as submitted, as these uses exist in the Lake Erie Shores PUD.

The Committee asked Mr. Constantine for the reasoning behind this amendment.

Mr. Constantine stated that the saturation point for attached dwellings within the Township has been reached.

The Committee asked what effects removing this language will have on existing attached dwellings or developments that haven't been completed.

Mr. Constantine stated that this use can be approved by the Township Trustees as a similar use. There is also language in the Zoning Resolution that allows developers to modify the PUD regulations to meet their needs.

Staff explained that existing attached dwellings and multi-family units will become non-conforming uses.

Mr. Welch made the motion to recommend staff's recommendation to not accept changes as submitted.

Mr. Terriaco seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

Amendment #4: Creating Section 38, Natural Resource Protection

Staff stated that the amendment includes the creation of Riparian Setbacks.

Staff stated that the amendments had no relevance to the Painesville Township Comprehensive Plan.

Staff made the following comments on the proposed amendments:

- Definitions should be in Section 5, Definitions. This would ensure that definitions do not conflict with one another.
- Staff does not understand why the definition of "Designated Watercourse" includes stream names. We are also concerned with the term "not limited to". There may be issues created if one stream that is not on the list is included and one stream not on the list is not included.
- There is a definition for "Watercourse" included in the Definition section, the definition of "Watershed" does not utilize the definition.
- Wetlands can be mitigated. The regulations do not reflect this fact.
- The reference map can be referenced in the regulations and not actually included in the regulations.
- Naming Lake County Soil and Water Conservation District as the only entity who can update the map limits the Township in respect to who has the ability to update the map.
- Agriculture buildings, with a reference to Section 31, should be included in Section 38.07.
- There is not a reference to riparian setbacks in Section 31, Agriculture.

Staff recommended approval with the following modifications:

- Move all definitions to Section 5.
- Remove the definition of "Designated Watercourse".

- Revise the definition of “Watershed” to read: The region or area drained by a watercourse.
- Require riparian setbacks on all watercourses in Painesville Township.
- Setbacks for wetlands should be on all non-mitigated wetlands. All wetlands are required to be shown on wetland delineation regardless if they are going to be mitigated or not. If a wetland is filled, it should not be required to have a setback.
- The Riparian Setback Reference Map and the Streams and Rivers and their Watershed Basins Maps should not be included in the regulations. They both can be referenced as additional documents.
- Do not reference who can update the reference map. This would allow agencies other than Lake County Soil and Water Conservation District to update the map.
- Language stating that the applicant or property owner is responsible for locating the watercourse and riparian setback on the site plan should be added to Section 38.06 B.
- Add 38.07 A 6: Agriculture Uses and Buildings.
- Revise 31.03 A 8: Buildings and/or structures incidental to agriculture shall meet **riparian setback**, rear yard and side yard clearances for the district in which they are located.
- Add 31.03 B 5: Shall meet riparian setback.

The Committee questioned if agencies other than Lake County Soil and Water Conservation District should be able to update maps.

Staff explained that the criteria for creating maps is based on watershed data and that Riparian Setbacks will be determined based on the drainage areas of each watercourse. The high watermark of a watercourse is not taken into consideration in the process of creating this reference map. Staff also explained that Riparian Setbacks will be more accurately depicted on site plans. The purpose of the Riparian Setback Map is to indicate the setback corresponding to each watercourse, and is to serve only as a reference.

Mr. Welch made the motion to recommend staff's recommendations.

Ms. Diak seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted “Aye”.

Motion passed.

Amendment #5: Revising Section 29.11

Staff stated that the amendment includes creating a new subsection that will administer large vehicles on residentially zoned or used lots and eliminating the time period that allows unlicensed or inoperable vehicles to stay on residentially used or zoned lots.

Staff stated that the amendments had no relevance to the Painesville Township Comprehensive Plan.

Staff commented that the term “being used for residential use” denoted legal non-conforming use. The way this section is written, the owners of a legal non-conforming residential use in commercial or industrial district would lose their ability to park a vehicle that weights greater than 2 tons, while their neighbors who have conforming land uses would be allowed to park vehicles with weights over 2 tons.

Staff recommended removing “being used for residential use” from new 29.11A.

Staff questioned if this would prohibit an individual from parking his or her tractor in their driveway and stated that a similar regulation was problematic for a nearby Township.

Mr. Constantine responded by saying yes, and that vehicles that weigh over 2 tons are already regulated in residential districts.

Mr. Kenyon made the motion to recommend staff's recommendations.

Ms. Malec seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted “Aye”.

Motion passed.

Amendment #6: Creating subsection 32.02 (D); Revising 14.02 (B)(2), 15.02 (B)(2), 16.02 (B)(2), and 17.03 (B)(2)

Staff stated that the amendment includes adding accessory uses to Section 32, FPUD and revising the depth of pools from 3 feet to 2 feet in Section 14.02 (B)(2), 15.02 (B)(2), 16.02 (B)(2), and 17.03 (B)(2).

Staff stated that the amendments had no relevance to the Painesville Township Comprehensive Plan.

Staff stated they had no comments regarding this amendment.

Staff recommends approval.

Mr. Morse made the motion to recommend staff's recommendations.

Mr. Welch seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

Amendment #7: Creating Section 39, Personal Property Sales

Staff stated that the amendment includes adding the definition of and regulations for "Personal Property Sales".

Staff stated that the amendments had no relevance to the Painesville Township Comprehensive Plan.

Staff commented that all definitions should be in Section 5, Definitions, and that this section is similar to the requirements for fences, outdoor storage or temporary buildings, which are located in Section 6, General Requirements.

Staff recommends that proposed Section 39.01 be accepted as Section 6.20 (A), Section 39.03 be accepted as Section 6.20 (B), Section 39.04 be accepted as Section 6.20 (C), and Section 39.05 be accepted as Section 6.20 (D). Section 39.02 should be added to Section 5, Definitions.

Mr. Constantine stated that the Painesville Township Zoning Commission desires to have "Personal Property Sale" stand out as its own section, as this would make it more readily accessible for Township residents. Mr. Constantine says that personal property sales has been an ongoing issue in the Township.

Mr. Welch made the motion to recommend staff's recommendations.

Mr. Kenyon seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

Perry Township

Amendment #1: Creating Section 411; Amending Section 700

Staff stated that the amendment includes creating Section 411, Temporary Storage and Dumpster Structures, and amending Section 700, Definitions, to define "Temporary Outdoor Storage Unit" and "Temporary Outdoor Dumpster Unit".

Staff stated that the amendments had no relevance to the Perry Township Comprehensive Plan.

Staff commented that other Lake County Townships have similar regulations on the books, that most dumpsters are a maximum of eight feet wide, and that "Survey" is not defined by the Zoning Resolution.

Staff recommends that "Survey" be defined in the Resolution, and that temporary storage or dumpster units not be allowed in the MDPUD Districts, as those Districts include Attached Single Family and Multi-Family units. The applicants may not own the pavement required to locate these structures.

Mr. Constantine made the motion to recommend staff's recommendations.

Mr. Terriaco and Mr. Morse seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

There was no other business. There was no public comment. The meeting adjourned at 7:45 p.m.